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TO USDEL SECRETARY IMMEDIATE

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TAGS: PFOR, OCLR, EEWT, MX

SUBJECT: ACTION MEMORANDUM-WAIVER OF BUNKERING
REGULATION FOR MEXICAN NAVAL VESSEL
(S/S NO. 7601478)

FOR THE SECRETARY FROM WILLIAM D. ROGERS

1. THE PROBLEM.

MEXICO HAS REQUESTED PERMISSION FOR OPERATIONAL VISITS
AT GUAM (JANUARY 26-28) AND HONOLULU (FEBRUARY 16-19) BY
THE MNS MANZANILLO WHICH IS RETURNING FROM A GOOD WILL
VISIT TO SAIGON AND PERMISSION FOR THE SHIP TO CALL AT
THESE PORTS HAS BEEN GRANTED.AS THE VESSEL HAS CALLED AT
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PHILIPPINES EN ROUTE WE DO NOT KNOW IF IT WILL REQUEST

BUNKERING AT THE U.S. PORTS. THE PROBLEM WILL ARISE IF IT DOES, AS U.S. EXPORT ADMINISTRATION REGULATIONS PROHIBIT THE BUNKERING OF SHIPS WHICH HAVE PREVIOUSLY CALLED AT VIETNAMESE PORTS.

2. BACKGROUND/ANALYSIS.

A DIPLOMATIC NOTE HAS BEEN RECEIVED FROM THE MEXICAN EMBASSY ROUTINELY REQUESTING PERMISSION FOR THE MNS

MANZANILLO TO MAKE OPERATIONAL VISITS AT GUAM AND HONOLULU AND CLEARANCE FOR THE VISITS HAS BEEN GRANTED.

THE MANZANILLO IS RETURNING VIA THE PHILIPPINES FROM A GOOD WILL VISIT TO VIETNAM. IT REPORTEDLY CARRIED GIFT ITEMS SUCH AS QUOTE PREFABRICATED HOUSES, MEDICINES, BOOKS AND BICYCLES. UNQUOTE. THE VOYAGE WAS A POLITICAL GESTURE ON THE PART OF PRESIDENT ECHEVERRIA AND COULD HAVE HAD LITTLE REAL IMPACT ON VIETNAM'S REBUILDING EFFORTS.

UNDER SECTION 371.9 OF U.S. EXPORT ADMINISTRATION REGULATIONS THERE IS A PROHIBITION AGAINST THE BUNKERING (WITHOUT SPECIAL PERMISSION) OF SHIPS WHICH HAVE CALLED IN VIETNAMESE PORTS DURING THE PREVIOUS 180 DAYS OR WHICH INTEND TO CALL IN VIETNAMESE PORTS IN THE NEXT 120 DAYS. THIS PROHIBITION INCLUDES FUEL OR PETROLEUM PRODUCTS BUT NOT OTHER BUNKER SUPPLIES.

THE EMBASSY IN MEXICO INFORMED MEXICAN NAVAL OFFICIALS INFORMALLY OF THESE REGULATIONS LAST NOVEMBER WHEN THE VESSEL WAS ENROUTE TO VIETNAM. ENROUTE NO CALLS WERE REQUESTED AT U.S. PORTS. WE BELIEVE THAT IF THE MEXICANS REQUEST BUNKERING FACILITIES AT GUAM OR HONOLULU, THE FACT SHOULD NOT BE OVERLOOKED THAT MANY MORE U.S. VESSELS CALL AT MEXICAN PORTS THAN DO MEXICAN VESSELS AT OUR PORTS, AND THAT A DENIAL OF THE REQUEST WOULD BE LOOKED UPON BY THE MEXICANS AS PUNITIVE AND COULD ELICIT REPRISALS. MOREOVER, DENIAL OF THE REQUESTED PERMISSION WOULD RESULT IN THE GOOD WILL LIMITED OFFICIAL USE

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VISIT TO VIETNAM RECEIVING FURTHER PUBLICITY IN MEXICO AND WOULD GIVE ECHEVERRIA A GOLDEN OPPORTUNITY TO INDULGE IN THIRD WORLD RHETORIC AT OUR EXPENSE.

EA NOTES THAT PERMITTING THE MANZANILLO TO BUNKER IN GUAM AND HONOLULU WOULD CONSTITUTE THE FIRST EXCEPTION TO BUNKERING CONTROLS ON TRADE WITH VIETNAM SINCE THE FALL OF SAIGON. BECAUSE OF THE PUBLIC, NONCOMMERCIAL

NATURE OF THE VESSEL, THE ONE-TIME BUNKERING OF THE MANZANILLO WOULD CREATE NO PRECEDENT FOR LICENSING BUNKERING BY COMMERCIAL VESSELS. FOR THIS REASON, EA HAS NO OBJECTION TO THE RECOMMENDATION.

3. RECOMMENDATION.

THAT YOU AUTHORIZE A DEPARTMENT REQUEST THAT THE PROHIBITION WHICH EXIST UNDER SECTION 371.9 OF THE EXPORT ADMINISTRATION REGULATIONS AGAINST BUNKERING OF SHIPS WHICH HAVE CALLED IN VIETNAMESE PORTS DURING THE PREVIOUS 180 DAYS BE WAIVED IN ORDER TO PERMIT SUPPLY OF FUEL TO THE MNS MANZANILLO DURING THE VISITS TO GUAM AND HONOLULU.

APPROVE DISAPPROVE

4. DRAFTED BY: ARA/MEX: H. B. LANE

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